

Serial No. 10/064,889

REMARKS

The Office Action rejected claims 1-8, 16, 17, 20-23, 26-33, 38, 39, 47, 48 and 50; objected to claims 18, 19, 34-37, 40-43, 46, 49 and 51-53; and indicated claims 14, 15, 24, 25, 44 and 45 were allowed. Applicant amended claim 26. Claims 1-8 and 14-53 remain. Applicant respectfully requests that the Examiner reconsider and withdraw the rejections.

Claim Rejections - 35 USC § 102

The Office Action rejected claims 1-6, 8, 21-23, 26, 29-33 and 39 as being anticipated by United States Patent Number 6,622,490 to Ingistov ("Ingistov"). With respect to claims 1-6 and 29-33, Applicant believes the rejection was improper and must be withdrawn. Specifically, Applicant asserts that Ingistov fails to disclose or to suggest all of the features of independent claims 1 and 29. In the "Response to Arguments" section of the Office Action, the Examiner explains that the insert (32") of Ingistov is the "body" to which the bristles secure. This interpretation, however, is incorrect because it is inconsistent with the remainder of the claim. Applicant remind the Examiner that the claims also recite, *inter alia*, that the slot allows the "brush seal assembly" to float within the gap. In Ingistov, the insert (32") does not float in the gap as required by the claim. None of the cited references provide a motivation for such a modification.

With respect to claims 8, 21-23 and 39, Applicant believes the rejection was improper and must be withdrawn. Specifically, Applicant asserts that Ingistov fails to disclose or to suggest all of the claimed features. Independent claim 8 recites, *inter alia*, that the extension has "a first section extending radially away" from the body. The left side of the insert (32") of

Ingistov that the Examiner alleged is the claimed "first extension" does not radially extend from the remainder of the insert (32"). In fact, Figure 6 of Ingistov clearly shows that the left side of the insert (32") remains radially coextensive with the remainder of the insert (32"). In Figure 6, the radial direction extends from the bottom of the page to the top of the page. None of the remaining cited references provide a motivation for such a modification.

With respect to claim 26, the claim now recites, *inter alia*, that the elongated slot has closed ends and the fastener can "move during installation" to avoid the closed ends then "extend into" the elongated slot after installation. The channel (132) of Ingistov is open at one end. As such, the fastener (130) need not move during installation to avoid the closed end. None of the remaining cited references provide a motivation for such a modification. In light of the foregoing, Applicant requests that the Examiner reconsider and withdraw the rejection.

The Office Action rejected claims 26, 48 and 50 as being anticipated by United States Patent Number 6,170,831 to Bouchard ("Bouchard"). As discussed above, independent claim 26 now recites, *inter alia*, that the elongated slot has closed ends and the fastener can "move during installation" to avoid the closed ends then "extend into" the elongated slot after installation. The groove (96) of Bouchard is open at one end. Also, the integral seal lip (94) of Bouchard does not move during installation. None of the remaining cited references provide a motivation for such a modification. In light of the foregoing, Applicant requests that the Examiner reconsider and withdraw the rejection.

Claim Rejections - 35 USC § 103

The Office Action rejected claims 7, 16, 17, 20, 38 and 47 as being unpatentable over Bouchard in view of Ingistov. Applicant believes the rejection was improper and must be withdrawn. Specifically, Applicants assert that the Examiner failed to establish a *prima facie* case of obviousness.

One element of a *prima facie* case of obviousness is that a motivation must exist to combine the references. MPEP § 2142. The Office Action stated that the motivation to combine Bouchard and Ingistov was "to prevent rotation of the assembly within the slot/gap." Applicant points out to the Examiner that the brush seal in Bouchard resides in the gap between the air seal (62) and the vanes (36). The air seal (62) and vanes (36) are stationary components of the engine. As such, the brush seal (84) would not receive any forces from these components that could cause rotation of the brush seal. Therefore, the addition of features to prevent rotation is unnecessary and would, in fact, introduce unnecessary weight to the engine. Applicant requests that the Examiner reconsider and withdraw the rejection.

The Office Action rejected claims 26-28 as being unpatentable over United States Patent Number 5,997,004 to Braun *et al.* ("Braun"). Braun fails to disclose or to suggest all of the claimed features. Independent claim 26 recites an "axial brush seal." As pointed out to the Examiner in an earlier amendment (20 November 2003), Braun describes a radial brush seal. As stated in that amendment, those of ordinary skill in the art recognize that an "axial" brush seal refers to a brush seal in which the bristles extend in an axial direction (e.g. along an engine centerline). Applicants also directed the Examiner in that amendment to United States Patent

Number 6,170,831 to Bouchard, which is entitled "Axial Brush Seal." None of the remaining references overcome the shortcomings of Braun. Applicant requests that the Examiner reconsider and withdraw the rejection.

Allowable Subject Matter

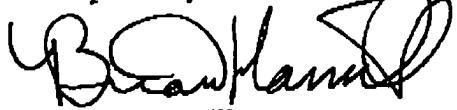
The Office Action stated that claims 14, 15, 24, 25, 44 and 45 were allowed. Applicant did not modify these claims.

The Office Action indicated that claims 18, 19, 34-37, 40-43, 46, 49 and 51-53 would be allowable if rewritten in independent form. As discussed above, the independent claims from which these claims depend define inventions that are patentable over the cited references. Therefore, rewriting these dependent claims in independent form is unnecessary.

Conclusion

In light of the foregoing, Applicant submits that the claims are now in condition for allowance. Applicant request that the Examiner reconsider and withdraw the restriction requirement and rejection. Applicant solicits the allowance of Claims 1-8 and 14-53 at an early date. Applicants authorize the Commissioner to charge any fee, or to credit any overpayments, during prosecution of this Application, to Deposit Account Number 21-0279.

Respectfully submitted,



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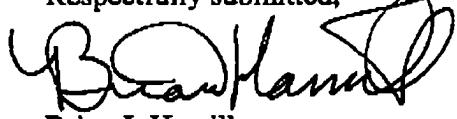
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Marianne S. Carello

COPY**Conclusion**

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Respectfully submitted,

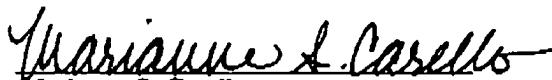


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